

DIY

Civil Court of the City of New York**County of Kings****Index Number CV-091323-08/KI**

LVNV FUNDING LLC

-against-

LARSELLA OGLESBY

ORDER TO SHOW CAUSE

to restore case to the calendar, to vacate any judgment, liens and income executions on this defendant on this index number, allow proposed answer or dismissing the action

UPON the annexed affidavit of LARSELLA OGLESBY, sworn to on July 3, 2014, and upon all papers and proceedings herein:

Let the Plaintiff(s) or Plaintiff(s) attorney(s) show cause at:

Kings Civil Court
141 Livingston Street
Brooklyn, New York 11201
Part 34C, Room 1101
on JULY 17, 2014 at 9:30 AM

or as soon thereafter as counsel may be heard, why an order should not be made granting any of the following relief as the court deems appropriate:

Vacating the defendants default and any judgment, lifting restraints and executions, ordering restitution or dismissing or staying the action for 90 days or restoring the action to the calendar or allowing a proposed answer.

PENDING the hearing of this Order to Show Cause and the entry of an Order thereon, let all proceedings on the part of the Plaintiff(s), Plaintiff(s) attorney(s) and agent(s) and any Marshal or Sheriff of the City of New York for the enforcement of said Judgment be stayed.

SERVICE of a copy of this Order to Show Cause, and annexed Affidavit, upon the:

Plaintiff(s) or named attorney(s):
 (Judge to Initial)

Sheriff or Marshal:
 (Judge to Initial)

_____ by Personal Service by "In Hand Delivery"
 _____ by Certified Mail, Return Receipt Requested
 _____ by First Class Mail with official Post Office
 _____ Certificate of Mailing

_____ by Personal Service by "In Hand Delivery"
 _____ by Certified Mail, Return Receipt Requested
 _____ by First Class Mail with official Post Office
 _____ Certificate of Mailing

on or before JULY 7, 2014, shall be deemed good and sufficient.

PROOF OF SUCH SERVICE shall be filed with the Clerk in the Part indicated above on the return date of this Order to Show Cause.

Attorney(s): Mail to:
 Kirschenbaum & Phillips, P.C. (Counsel for Pltf)
 40 DANIEL STREET, SUITE 7
 P.O. BOX 9000
 FARMINGDALE, NY 11735

Sheriff/Marshal:

July 3, 2014

DATE

Hon. Lisa S. Ottley, Civil Court Judge (NYC)

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF KINGS

Index No. 91323-08/KI

LVNV FUNDING LLC,
Plaintiff,

– against –

LARSELLA OGLESBY,
Defendant.

**AFFIDAVIT IN SUPPORT OF AN
ORDER TO SHOW CAUSE
To Vacate a Judgment
For Failure to Answer**

Movant's address:
668 Madison Street, Apt.
4B
Brooklyn, NY, 11221

State of New York, County of Kings ss.:

LARSELLA OGLESBY, being duly sworn, deposes and says:

1. I am a defendant and I am making this request in support of the Order to Show Cause to vacate a default judgment and deem the attached Proposed Answer timely filed.
2. I did not file an answer to the Complaint with the court.
3. The court lacks personal jurisdiction because the Summons and Complaint were not served properly: I never received the papers to come to court. My first notice of this action was when I saw the judgment on my credit report. I have not lived at the address on the affidavit of service since 1998.
4. I have the following excusable default(s):
 - a. I never received the court papers.
5. I have the following meritorious defense(s):
 - a. I do not owe the money.
 - b. I have no business relationship with the plaintiff so the plaintiff lacks standing.
 - c. The Plaintiff is suing for the wrong amount of money.

6. I receive social security disability (SSD) benefits, which are exempt from collection.
7. I have not asked for a previous Order to Show Cause in this case.

Relief

8. WHEREFORE, I request that the judge vacate any judgment and upon vacatur, dismiss this case for lack of personal jurisdiction or in the alternative, restore the case to the calendar, deem the attached Proposed Answer timely filed, grant me permission to serve these papers in person, and grant me such other and further relief as may be just.



Larsella Oglesby, Defendant

Sworn to before me this 3rd day
of JULY, 2019.

D. G. Turner, S.C.

Signature and Title
of Court Employee or Notary

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF KINGS

Index No. 91323-08/KI

LVNV FUNDING LLC,

Plaintiff,

– against –

LARSELLA OGLESBY,

Defendant.

**PROPOSED ANSWER
CONSUMER CREDIT
TRANSACTION**


LARSELLA OGLESBY, answers the Complaint as follows:

1. General Denial: I deny the allegations of the Complaint.
2. The court lacks personal jurisdiction because the Summons and Complaint were not served properly: I never received the papers to come to court. My first notice of this action was when I saw the judgment on my credit report. I have not lived at the address on the affidavit of service since 1998.
3. I do not owe the money.
4. I have no business relationship with the plaintiff so the plaintiff lacks standing.
5. The plaintiff is suing for the wrong amount of money.
6. I receive social security disability (SSD) benefits, which are exempt from collection.

VERIFICATION

State of New York, County of Kings ss.:

LARSELLA OGLESBY, being duly sworn, deposes and says: I am the Defendant in this action, I have read the Proposed Answer Consumer Credit Transaction and know the contents to be true to my own knowledge, except for those matters alleged to be on information and belief, and as to those matters, I believe them to be true.


Larsella Oglesby, Defendant

Sworn to before me this 3rd day

of July, 20 19.

C. Attorne, S.C.
Signature and Title
of Court Employee or Notary